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EXAMINER	
HENN, TIMOTHY J	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,254	BLANK, BENJAMIN	
	Examiner	Art Unit	
	Timothy J Henn	2612	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,14-26 and 29* is/are rejected.

7)☒ Claim(s) *11-13,27 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/13/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because: the shaded boxes (i.e. 28, 12, 24) in figure 1 make the labels difficult to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claim 1 is objected to because of the following informalities: replace "aduster" with --adjuster-- in paragraph 4 of claim 1. Appropriate correction is required.

4. Claim 4 is objected to because of the following informalities: replace "is first" with --is the first-- in line 2 of claim 4. Appropriate correction is required.

5. Claims 5 and 23 are objected to because of the following informalities: replace "modifications;" with --modifications.-- at the end of claims 5 and 23. Appropriate correction is required.

6. Claim 14 is objected to because of the following informalities: replace "camera;" with --camera.-- at the end of claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-10, 14, 16, 17, 19, 20, 23-26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirasawa (US 6,278,489).

[claim 1]

In regard to claim 1, Hirasawa discloses a system for recording images (Figure 4), comprising: a camera having an adjustable focus and a field of view defining an image frame having a frame center, the camera for recording an image within the image frame (Figure 4); a focus adjuster operatively coupled to the camera, for adjusting the focus of the camera within a range of focal planes in the field of view of the camera (Figure 4, Item 103, 111, 113 and 114); a user interface for receiving user input information, including information associated with a user's selection of a location relative to the field of view of the camera (Figure 4, Item 100; c. 1, ll. 45-59; c. 6, ll. 18-68); a processor operatively coupled to the focus adjuster and the user interface, for defining a focal plane within the field of view of the camera dependent on the user selected location and for controlling the focus adjuster to adjust the focus of the camera to the defined focal plane, independent of the position of the selected location relative to the center of the frame of the camera (Figure 4, Item 111; c. 1, ll. 45-59; c. 6, ll. 18-68).

[claim 4]

In regard to claim 4, Hirasawa discloses a system wherein the user-selected location comprises a location in a first focal plane (i.e. selecting an object to focus on; c. 6, ll. 18-68) and wherein the processor-defined focal plane is the first focal plane (i.e. focusing on the selected object; c. 1, ll. 45-59; c. 6, ll. 18-68).

[claim 5]

In regard to claim 5, Hirasawa discloses a system wherein: the user input information further includes user-selected focal plane modifications (i.e. changing the focal plane to a new focal plane; c. 1, ll. 45-59; c. 6, ll. 18-68); the user-selected location

comprises a location in a first focal plane (i.e. the position of the new subject to focus on; c. 1, ll. 45-59; c. 6, ll. 18-68); the processor-defined focal plane comprises the first focal plane modified in accordance with the user-selected focal plane modifications (i.e. focusing on the new subject; c. 1, ll. 45-59; c. 6, ll. 18-68).

[claim 6]

In regard to claim 6, Hirasawa discloses a system wherein the user-selected focal plane modifications comprise a modification of the focal plane a pre-set distance further than the focal plane of the user-selected location (c. 1, ll. 45-59; c. 6, ll. 18-68). The examiner notes that the system of Hirasawa allows a user to select a first focal plane by looking at a first subject, and then select a second focal plane "a pre-set distance" away by looking at a different subject within the cameras field of view. The examiner further notes that the pre-set distance is set when the scene which the camera is viewing is arranged, for example by placing a first object a "pre-set" distance from a second object in a scene, and by changing the focal plane from the first object to the second object, the focal plane is modified by a pre-set distance from the previously selected location.

[claim 7]

In regard to claim 7, Hirasawa discloses a system wherein the user-selected focal plane modifications comprise a modification of the focal plane a user-selectable distance further than the focal plane of the user-selected location (c. 1, ll. 45-59; c. 6, ll. 18-68). The examiner notes that the system of Hirasawa allows a user to select a first focal plane by looking at a first subject, and then select a second focal plane "a user-

selectable distance" away by looking at a different subject within the cameras field of view.

[claim 8]

In regard to claim 8, Hirasawa discloses a system wherein the user-selected focal plane modifications comprise a modification of the focal plane a pre-set distance closer than the focal plane of the user-selected location (c. 1, ll. 45-59; c. 6, ll. 18-68). The examiner notes that the system of Hirasawa allows a user to select a first focal plane by looking at a first subject, and then select a second focal plane "a pre-set distance" away by looking at a different subject within the cameras field of view. The examiner further notes that the pre-set distance is set when the scene which the camera is viewing is arranged, for example by placing a first object a "pre-set" distance from a second object in a scene, and by changing the focal plane from the first object to the second object, the focal plane is modified by a pre-set distance from the previously selected location.

[claim 9]

In regard to claim 9, Hirasawa discloses a system wherein the user-selected focal plane modifications comprise a modification of the focal plane a user-selectable distance closer than the focal plane of the user-selected location (c. 1, ll. 45-59; c. 6, ll. 18-68). The examiner notes that the system of Hirasawa allows a user to select a first focal plane by looking at a first subject, and then select a second focal plane "a user-selectable distance" away by looking at a different subject within the cameras field of

view.

[claim 10]

In regard to claim 10, Hirasawa discloses a system which allows a user to change focus points by changing a position at which the user looks into a viewfinder. The examiner notes that this inherently allows the user to focus on a first subject for a specified time and then focus on a second subject effectively setting a time between a change in focusing conditions or a "specified speed at which the camera achieves a focus" as claimed.

[claim 14]

In regard to claim 14, Hirasawa discloses a system wherein the user interface includes a display device operatively coupled to display an image corresponding to the image frame of the camera (Figure 4, Item 109).

[claim 16]

In regard to claim 16, Hirasawa discloses a user interface comprising at least one of the group consisting of a touch screen, a keyboard, a mouse and a joystick (Figure 7; Figure 9).

[claim 17]

In regard to claim 17, Hirasawa discloses a system wherein the user interface includes a display device (Figure 4, Item 109) operatively coupled to display an image corresponding to the image frame of the camera and further includes selection means (Figure 4, Item 100; alternatively Figure 7 or Figure 9) for allowing a user to select the user-selected location on an image frame displayed on the display device (c. 1, ll. 45-

59; c. 6, ll. 18-68).

[claim 19]

In regard to claim 19, Hirasawa discloses a system wherein said selection means comprises a cursor control means associated with the display device, for allowing a user to control the location of a cursor on the image displayed on the display device (Figure 9; the office notes that a mouse of track ball would inherently control a cursor such as the selection frame in Figure 13 to inform the user where the current AF selection frame is located).

[claims 20, 23, 24, 25, 26 and 29]

Claims 20, 23, 24, 25, 26 and 29 are method claims corresponding to apparatus claims 1, 4, 7, 9, 10 and 17. Therefore, claims 20, 23, 24, 25, 26 and 29 are analyzed and rejected as previously discussed with respect to claims 1, 4, 7, 9, 10 and 17.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2, 3, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirasawa (US 6,278,489) in view of Ichimasa (US 6,317,565).

[claim 2]

In regard to claim 2, Hirasawa lacks a distance finding mechanism for determining the distance of the user selected location relative to the camera, wherein the processor is operatively coupled to the distance finding mechanism for determining a focal plane based on the distance of the user selected location relative to the camera.

Ichimasa discloses an active ranging focus system (Figure 1A) which uses a range finding device to determine a lens driving amount (e.g. Figure 2, Step 106; c. 3, ll. 58-63) to focus the camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a ranging device as taught by Ichimasa to determine a lens driving amount to properly bring the region selected by the user into proper focus.

[claim 3]

In regard to claim 3, Ichimasa discloses a zoom detection mechanism for detecting the zoom state of the camera (Figure 1A, Item 3); wherein the processor is operatively coupled to the zoom detection mechanism and the distance finding mechanism for controlling the direction of the distance finding mechanism based on the detected zoom state of the camera (e.g. Figure 3). Ichimasa does not explicitly disclose a beam directable toward the user-selected location. However, Official Notice is taken that distance finding mechanisms including directable beams are well known in the art as an easy way to obtain a distance measurement.

[claims 21 and 22]

Claims 21 and 22 are method claims corresponding to apparatus claims 2 and 3. Therefore, claims 21 and 22 are analyzed and rejected as previously discussed with respect to claims 2 and 3.

11. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirasawa (US 6,278,489) in view of Cho (US 5,396,287).

[claim 15]

In regard to claim 15, Hirasawa lacks a user interface comprising a touch screen display device. Cho discloses a device which utilizes a touch screen display user interface to allow a user to select a focusing location in a scene (Figure 1, Items 11 and 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a touch screen display user interface to allow a user to select a focusing area by touching the desired focusing area on a display screen.

[claim 18]

In regard to claim 18, Hirasawa lacks a user interface comprising a touch screen display device. Cho discloses a device which utilizes a touch screen display user interface to allow a user to select a focusing location in a scene (Figure 1, Items 11 and 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a touch screen display user interface to allow a user to select a focusing area by touching the desired focusing area on a display screen.

Allowable Subject Matter

12. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 11, 12 and 27]

In regard to claims 11, 12 and 27, the prior art does not teach or fairly suggest a system as defined in claim 5 further comprising a user-selected focal plane modification which comprises a selected shake parameter at which the camera changes into and out of focus on the user-selected focal plane at a particular rate.

[claim 13 and 28]

In regard to claims 13 and 28, the prior art does not teach or fairly suggest system as defined in claim 5 further comprising a user input which includes a plurality of user selected locations and wherein the user-selected focal plane modification comprises a selected average mode, wherein the focal plane of the camera is adjusted to the average focal plane of the plurality of user selected locations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
9/30/2004

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